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17236  
01304  
U.S. PTOUTILITY  
PATENT APPLICATION  
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR § 1.53(b))

Attorney Docket No.	4002-3443/PC444.06
First Inventor	Kevin T. Foley
Title	SURGICAL INSTRUMENTATION AND METHOD FOR TREATMENT OF THE SPINE
Express Mail Lab I No.	EV394105615US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents

ADDRESS TO:  
Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-145022553 U.S. PTO  
10/756970

011304

1. <input checked="" type="checkbox"/> *Fee Transmittal Form (e.g., PTO/SB/17) (submit an original and a duplicate for fee processing)	7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.	8. <input type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary) <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> Computer Readable Form (CRF)</li> <li>b. Specification Sequence Listing on:               <ul style="list-style-type: none"> <li>i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or</li> <li>ii. <input type="checkbox"/> paper</li> </ul> </li> <li>c. <input type="checkbox"/> Statements verifying identity of above copies</li> </ul>
3. <input checked="" type="checkbox"/> Specification (preferred arrangement set forth below) <ul style="list-style-type: none"> <li>- Descriptive title of the Invention</li> <li>- Cross References to Related Applications</li> <li>- Statement Regarding Fed sponsored R &amp; D</li> <li>- Reference sequence listing, a table, or a computer program listing appendix or computer program listing appendix</li> <li>- Background of the Invention</li> <li>- Brief Summary of the Invention</li> <li>- Brief Description of the Drawings (if filed)</li> <li>- Detailed Description</li> <li>- Claim(s)</li> <li>- Abstract of the Disclosure</li> </ul>	9. <input checked="" type="checkbox"/> Assignment Papers (cover sheet & document(s))
4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) <span style="float: right;">[Total Sheets 9]</span> <ul style="list-style-type: none"> <li><input type="checkbox"/> Informal <input checked="" type="checkbox"/> Formal</li> </ul>	10. <input type="checkbox"/> 37 C.F.R. § 3.73(b) Statement <span style="float: right;"><input type="checkbox"/> Power of Attorney (when there is an assignee)</span>
5. Oath or Declaration <span style="float: right;">[Total Pages 4]</span> <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> Newly executed (original or copy)</li> <li>b. <input checked="" type="checkbox"/> Copy from a prior application (37 C.F.R. § 1.63(d)) (for continuation/divisional with Box 18 completed)               <ul style="list-style-type: none"> <li>i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b> Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).</li> </ul> </li> </ul>	11. <input type="checkbox"/> English Translation Document (if applicable)
6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76	12. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <span style="float: right;"><input type="checkbox"/> Copies of IDS Citations</span>
18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76: <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP) <span style="float: right;">of prior application No: 09/928,949 filed 8/13/01</span></li> <li>which is based on USSN 60/224,491 filed 8/11/00.</li> </ul>	13. <input checked="" type="checkbox"/> Preliminary Amendment
	14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
	15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed)
	16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
	17. <input type="checkbox"/> Other: _____

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation  Divisional  Continuation-in-part (CIP) of prior application No: 09/928,949 filed 8/13/01

which is based on USSN 60/224,491 filed 8/11/00.

Prior application information: Examiner: \_\_\_\_\_ Group / Art Unit: \_\_\_\_\_

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

<input type="checkbox"/> Customer Number:		OR	<input checked="" type="checkbox"/> Correspondence address below	
Name	Woodard, Emhardt, Moriarty, McNett & Henry LLP			
Address	Bank One Center/Tower 111 Monument Circle, Suite 3700			
City	Indianapolis	State	IN	
Country	USA	Telephone	(317) 634-3456	
Name (Print/Type)	Brad A. Schepers		Registration No. (Attorney/Agent)	45,431
Signature			Date	January 13, 2004

Express Mail Label Number EV394105615

Date of Deposit January 13, 2004

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR Section 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Mail Stop Patent Application, P.O. Box 1450, Alexandria, VA 22313-1450.



Signature of person mailing paper or fee

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS: SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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WEMMH/SB/17 (12/03)

Approved for use through 10/31/2002. OMB 0651-0032  
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**U.S. PTO**  
**FEETRANSMITTAL**  
**FOR FY 2004**

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

Total Amount of Payment (\$ 1,216.00)

Examiner Name

Complete if Known	
Application Number	New
Filing Date	January 13, 2004
First Named Inventor	Kevin T. Foley
Group Art Unit	

## METHOD OF PAYMENT

Check  Credit card  Money  Other Order  None

 Deposit Account:

Deposit Account Number

23-3030

Deposit Account Name

Woodard, Emhardt, Moriarty,  
McNett & Henry LLP

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application, excluding the payment of issue fees  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1601	770	2001	385	Utility Filing Fee	770
1002	340	2002	170	Design Filing Fee	
1003	530	2003	265	Plant Filing Fee	
1004	770	2004	385	Reissue Filing Fee	
1005	160	2005	80	Provisional Filing Fee	
SUBTOTAL (1) (\$ 770.00)					

## 2. EXTRA CLAIM FEES

Total Claims	40	-20** =	20	X	18	=	360	Extra Claims	Fee From Below	Fee Paid
Independent Claims	4	-3** =	1	X	86	=	86			
Multiple Dependent										

Large Entity	Small Entity	Fee Description
Fee Code	Fee Code	
1202	18	2202 9
		Claims in excess of 20
1201	86	2201 43
1203	290	2203 145
1204	86	2204 43
1205	18	2205 9
		**Reissue independent claims over original patent
		**Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$ 446.00)		

\*or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)	
3. ADDITIONAL FEES	
Large Entity	Small Entity
Fee Code	Fee Code
1051	130
1052	50
1053	130
1812	2,520
1804	920*
1805	1,840*
1251	110
1252	420
1253	950
1254	1,480
1255	2,010
1401	330
1402	330
1403	290
1451	1,510
1452	110
1453	1,330
1501	1,330
1502	480
1503	640
1460	130
1807	50
1806	180
8021	40
1809	770
1810	770
1801	770
1802	900
Other Fee (specify)	
* Reduced by Basic Filing Fee Paid	
SUBTOTAL (3) (\$ 0)	

Complete (if applicable)

Name (Print/Type)	Brad A. Schepers	Registration No. (Attorney/Agent)	45,431	Telephone	(317) 634-3456
Signature				Date	January 13, 2004

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